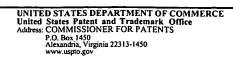


UNITED STATES PATENT AND TRADEMARK OFFICE



PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/340,196	06/28/1999	RYOJI KATO	990701	3596
23850 75	590 11/04/2003		EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP			HOLLERAN, ANNE L	
1725 K STREE SUITE 1000	ET, NW		ART UNIT PAPER NUMBER	
WASHINGTO	N, DC 20006		1642	`
			DATE MAILED: 11/04/2003	₃

Please find below and/or attached an Office communication concerning this application or proceeding.

•	Application No.	Applicant(s)					
Advisory Action	09/340,196	KATO ET AL.					
naviour nauen	Examiner	Art Unit					
·	Anne Holleran	1642					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE REPLY FILED 21 August 2003 FAILS TO PLACE T Therefore, further action by the applicant is required to av final rejection under 37 CFR 1.113 may only be either: (1) condition for allowance; (2) a timely filed Notice of Appeal Examination (RCE) in compliance with 37 CFR 1.114.	oid abandonment of this applicate a timely filed amendment which (with appeal fee); or (3) a timely	ation. A proper repl n places the applica	y to a ition in				
PERIOD FOR RE	PLY [check either a) or b)]						
a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The fee have been filed is the date for purposes of determining the period o fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of t (2) as set forth in (b) above, if checked. Any reply received by the Offic timely filed, may reduce any earned patent term adjustment. See 37 C	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing FILED WITHIN TWO MONTHS OF THe date on which the petition under 37 CFI f extension and the corresponding amo he shortened statutory period for reply the later than three months after the mail	g date of the final rejecting FINAL REJECTION. R 1.136(a) and the apprunt of the fee. The appropriginally set in the final	on. See MPEP opriate extension ropriate extension Office action; or				
1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFF							
2. The proposed amendment(s) will not be entered be	ecause:						
(a) X they raise new issues that would require furthe	er consideration and/or search (s	see NOTE below);					
(b) Ithey raise the issue of new matter (see Note b	elow);						
(c) they are not deemed to place the application ir issues for appeal; and/or	better form for appeal by mate	rially reducing or sir	nplifying the				
(d) they present additional claims without canceling	ng a corresponding number of fi	nally rejected claim	s.				
NOTE: See Continuation Sheet.	•						
3. Applicant's reply has overcome the following rejecti	ion(s):						
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a se	parate, timely filed	amendment				
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because:		dered but does NO	T place the				
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY to	o issues which were	e newly				
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims wo			and an				
The status of the claim(s) is (or will be) as follows:							
Claim(s) allowed:							
Claim(s) objected to:							
Claim(s) rejected: <u>43,51,54,56,59 and 68-77</u> .							
Claim(s) withdrawn from consideration:							
8. The proposed drawing correction filed on is a	a)☐ approved or b)☐ disapp	roved by the Exami	ner.				
9. Note the attached Information Disclosure Statemen	t(s)(PTO-1449) Paper No(s)						
10. Other:	· · · · ·						

Continuation of 2. NOTE: The amendment raises issues of new matter, because the specification fails to provide support for methods where the deduced ratio is higher or lower than a reference normal ratio and also higher or lower than a reference benign ratio. Additionally, the amendment to the final clause of the claims confilicts with recitations of prior steps where comparisons are made between malignant and normal or benign (not "and" as recited in the amended portion of the claims)..

ANTHONY O CIRUTA
SUPERVISORY PAIENT EXAMINER
TECHNOLOGY CENTER 1600